REMARKS

As a preliminary matter, Applicants thank that Examiner for providing a translation of the Tanabe reference (Japanese Patent No. 2-100,833; hereinafter "Tanabe"). In responding to the Examiner's rejections, Applicants address Tanabe in view of this provided translation (hereinafter the "Tanabe Translation"). However, Applicants, of course, cannot concede the correctness of this translation.

In the Final Office Action, the Examiner rejected claims 63, 65-67, 69, 70, 72, 77, 78, and 80 and objected to claims 64, 68, 73-75, 79, and 81 as containing allowable subject matter but being dependent on rejected base claims. By the present Response, Applicants have amended claims 63, 64, 68-70, 73-75, 77, 79, and 81. Within these amended claims, claims 64, 68, 73-75, 79, and 81, which have been indicated as containing allowable subject matter, have been rewritten into independent form. Additionally, Applicants have canceled claim 71 without prejudice and added new claim 83. Upon entry of the amendments, claims 63-70 and 72-83 will be pending in the present patent application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections Under 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claims 63, 65-67, 69, 70, 72, 77, 78 and 80 under 35 U.S.C. § 102(b) as anticipated by Tanabe. Applicants, however, respectfully assert that the amended independent claims 63, 70, and 77 and the claims depending respectively therefrom are patentable over Tanabe, because each of these claims recites features not disclosed by Tanabe.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed.

Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention "in as complete detail as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Additionally, with respect to claim terminology, Applicants emphasize that, during patent examination, claims are given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000). In giving a claim its broadest reasonable interpretation, the Examiner must esnure that this interpretation is consistent with the interpretation one of ordinary skill in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1467 (Fed. Cir. 1999) (stating "Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one that those skilled in the art would reach."). In summary, claims are to be given their broadest reasonable interpretation consistent with the speciation, and claims language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d 1827, 1830 (Fed. Cir. 2004)

With the foregoing legal precedent in mind, Applicants respectfully assert that the pending claims are patentable over Tanabe and the prior art in general, because the Tanabe reference does not disclose all of the features recited in the pending claims.

Amended Independent Claim 63 and the Claims Depending Therefrom

For example, Tanabe does not disclose "forming a generally planar die-making tool...and forming a roll threading die via electric discharge machining of a die blank with the generally planar die-making tool," as is recited in amended independent claim 63. (Emphasis added.) In stark contrast, Tanabe discloses a cylindrical electrode bar 20 that is used to electric discharge machine (EDM) the rolling dies 100 and 200. *See* Tanabe Translation, p. 6; FIGS 2 and 4. Indeed, the Tanabe Translation states that the electrode 20 is "roll-manufactured" via master rolling dies 10 and 11. *See id.* at p. 4. Accordingly, the electrode 20 of Tanabe cannot be generally planar, but instead must be arcuate and cylindrical.

Therefore, Tanabe does not disclose all of the features recited in amended claim 63 its respective dependent claims 65-67, and 69. Accordingly, Applicants respectfully assert that Tanabe does not anticipate claims 63, 65-67, and 69. Respectfully, reconsideration and allowance of these claims is requested.

Amended Independent Claim 70 and the Claims Depending Therefrom

By way of example, Tanabe does not disclose "end milling a die-making tool...and forming a roll threading die via electric discharge machining of a die blank with the die-making tool," as is recited in amended independent claim 70. (Emphasis added.) Rather, Tanabe teaches that the electrode 20, which is used to EDM the rolling dies 200 and 211, is formed by a roll manufacturing process. *See* Tanabe Translation, p. 4. Accordingly, Tanabe teaches that the electrode bars 20, when formed, are rolled with respect to master dies 10 and 11, thereby forming the cylindrical electrode 20, as discussed above. *See id.* at p. 4; FIG. 2.

As a practical matter, the use of this rolling technique of Tanabe limits the geometry of the formed electrode. For example, rolling an electrode blank over portions of the master dies 10 and 11 forces the surface features on the electrode to have a constant cross-section, limiting the geometry of the final fastener. By contrast, an end milling process, as is recited in the instant claim, presents multiple degrees of freedom, facilitating the fabrication of surface features on the die-making tool that have complex geometry.

Furthermore, Applicants reiterate that claim terms must be given an interpretation that is consistent with that one of ordinary skill in the art would give. *See In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d at 1830. Accordingly, Applicants respectfully assert that the rolling process of Tanabe cannot be equated with the end milling process recited in the instant claims, because, as one of ordinary skill in the art would appreciate, they are two wholly different fabrication techniques.

Therefore, Applicants respectfully assert that Tanabe does not disclose all of the features recited in amended independent claim 70 and its respective dependent claims 72 and 76. Accordingly, Applicants respectfully assert that Tanabe does not anticipate claims 70, 72, and 76. Respectfully, reconsideration and allowance of these claims is requested.

Amended Independent Claim 77 and the Claims Depending Therefrom

By way of example, Tanabe does not disclose "forming a roll threading die via plunge electric discharge machining of a die blank using the die making tool as a template," as is recited in amended claim 77. (Emphasis added.) The use of plunge EDM processing is discussed in the Application, such as at page 10, lines 9-11. Instead, Tanabe discloses a rotary EDM process. In Tanabe, the dies 100 and 200 are formed by rotating the electrode bar 20 and the die blanks 100 and 200 with respect to one another. *See* Tanabe Translation, p. 6. Although Tanabe appears to employ an EDM process, this process is different from the plunge EDM process recited in the instant claim.

As a practical matter, here again, the rotary EDM process described in Tanabe limits geometry of the surface features on the formed dies 100 and 200 and, as such, the geometry of the thread forms on the fastener fabricated with these dies. For example, rotation of the electrode 20 of Tanabe with respect to the dies 100 and 200 limits formed surface features 100 and 200 to a constant cross-section. Contrastingly, a plunge EDM technique facilitates the fabrication of features having complex geometries, such as varying cross-sections, for example. In fact, plunge EDM techniques facilitate the creation of surface features that vary in three dimensions, something rotary EDM techniques cannot.

Prior to concluding, Applicants again reiterate that claim terms must be interpreted in manner consistent with what one of ordinary skill in the art would interpret. *See In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d at 1830. Thus, two different EDM techniques with different methodologies and capabilities, cannot be equated with one another. Indeed, Applicants respectfully assert that one of ordinary skill in the art would not equate the rotary EDM technique of Tanabe with the plunge EDM technique recited in the instant claim.

Therefore, Applicants respectfully assert that Tanabe does not disclose all of the features recited in amended independent claim 77 and its respective dependent claims 78, 80, 82, and 83. Accordingly, Applicants respectfully assert that Tanabe does not anticipate claims 77, 78, 80, 82, and 83. Respectfully, reconsideration and allowance of these claims is requested.

Rejections Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected dependent claim 71 under 35 U.S.C. § 103(a) as obvious in view of Tanabe and the Lobur reference (U.S.

Patent No. 3,614,368; hereinafter "Lobur") and, also, rejected dependent claims 76 and 82 under Section 103(a) as obvious in view of Tanabe and the Wozniak reference (U.S. Patent No. 4,739,219; hereinafter "Wozniak"). Applicants, however, respectfully assert that the Lobur and Wozniak do not obviate the deficiencies of Tanabe, as discussed above. Accordingly, Applicants respectfully assert that dependent claims 71, 76, and 82 are patentable at least by virtue of their respective dependencies to an allowable base claim. Respectfully, reconsideration and allowance of dependent claims 71, 76, and 82 are requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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